

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HENRY WASHINGTON,	:	
	:	Civil Action No. 4:CV-08-1283
Plaintiff,	:	
	:	(Judge Jones)
v.	:	
	:	(Magistrate Judge Carlson)
JAMES L. GRACE, et al.,	:	
	:	Filed Via Electronic Case Filing
Defendants	:	

**APPENDIX TO DEFENDANTS'
MOTION FOR SANCTIONS AGAINST PLAINTIFF**

AND NOW, come the Defendants James L. Grace, *et al.*, by and through their attorney, Raymond W. Dorian, Assistant Counsel, and offer the following:

Deposition Transcript of Plaintiff, taken January 28, 2013.

Respectfully submitted,

Office of General Counsel

By: s/ Raymond W. Dorian
Raymond W. Dorian
Assistant Counsel
Attorney I.D. No. PA48148
Pennsylvania Department of Corrections
1920 Technology Parkway
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Dated: February 13, 2013

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

* * * * *

HENRY WASHINGTON,

*

Claimant

* CASE NO.

VS.

* 4:08-CV-1283

JAMES GRACE, et al.,

*

Respondents

*

* * * * *

* * * * *

DEPOSITION OF
HENRY WASHINGTON
January 28, 2013

ORIGINAL

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DEPOSITION

OF

HENRY WASHINGTON, taken on behalf of the Defendant
herein, pursuant to the Rules of Civil Procedure, taken
before me, the undersigned, Kayla Godkin, a Court
Reporter and Notary Public in and for the Commonwealth
of Pennsylvania, at SCI Greene, 169 Progress Drive,
Waynesburg, Pennsylvania, on Monday, January 28, 2013
beginning at 10:16 am.

A P P E A R A N C E S

RAYMOND DORIAN, ESQUIRE
Department of Corrections
1920 Technology Parkway
Mechanicsburg, PA 17050

COUNSEL FOR DEPARTMENT OF CORRECTIONS

ALSO PRESENT:

DEBBIE BRUMAGE, ADMINISTATIVE OFFICER JAIL
REPRESENTATIVE

OFFICERS ORIBOND & ORBATCH, JAIL OFFICERS

I N D E X

DISCUSSION AMONG PARTIES

6 - 15

E X H I B I T S

Page

Number

Description

Offered

NONE OFFERED

P R O C E E D I N G S

ATTORNEY DORIAN:

Harry.

MR. WASHINGTON:

Yeah. You're the person I see on the screen here?

ATTORNEY DORIAN:

Yeah. We're doing this by video conferencing. Can you swear in the witness?

HENRY WASHINGTON, HAVING FIRST BEEN DULY SWORN,
TESTIFIED AS FOLLOWS:

A. I sure do.

ATTORNEY DORIAN:

Could you please state your name and the inmate number?

A. My name is Henry Unsell Washington, AM3086. I got some paperwork.

ATTORNEY DORIAN:

Yeah. Mr. ---.

A. I got some paperwork I'd like to fax to you before I give you any testimony.

ATTORNEY DORIAN:

1 All right. What is it? What kind of
2 paperwork is it?

3 A. It's pertaining to --- it's some declarations
4 pertaining to my situation here, sir.

5 ATTORNEY DORIAN:

6 All right. Well, why don't we start and
7 I'll take a look at that at the end. Could you tell
8 me what your date of birth is?

9 A. Sir, I'm not going to give you anything until you
10 see this paperwork.

11 ATTORNEY DORIAN:

12 You say you're refusing to testify?

13 A. No. I'm not going to give you anything until I
14 give you this paperwork.

15 ATTORNEY DORIAN:

16 Well, is there anyway you can fax that
17 to me?

18 MS. BRUMAGE:

19 Yeah. If I can.

20 ATTORNEY DORIAN:

21 Debbie?

22 MS. BRUMAGE:

23 I can do that.

24 A. Your Honor, thank you.

25 MS. BRUMAGE:

1 Can you give me your fax number? Wait a
2 minute.

3 ATTORNEY DORIAN:

4 717-728-0317. Okay. Mr. Washington,
5 I'm going to ask you a series of questions ---

6 MS. BRUMAGE:

7 What do you need?

8 ATTORNEY DORIAN:

9 --- about your lawsuit.

10 MS. BRUMAGE:

11 All this?

12 A. Yes, please.

13 ATTORNEY DORIAN:

14 If at any time you do not understand my
15 questions I will stop and I can repeat them if you
16 want me to repeat them. If you do answer, I assume
17 that you made the answer you intend to give.

18 And that I'll also ask you to make all
19 your answers verbally. For the sake of the court
20 reporter, avoid nods of the head or grunts or those
21 kind of noises. Is there any reason you know today
22 why you can't answer my questions truthfully, to the
23 best of your ability?

24 A. Who am I speaking to, first of all?

25 ATTORNEY DORIAN:

1 Dorian, I represent the Defendant's in
2 this lawsuit. There any reason why you know that you
3 cannot answer my questions truthfully to the best of
4 your ability?

5 A. I believe the stuff that you're about to get is
6 going to explain all of that.

7 ATTORNEY DORIAN:

8 Are you under the influence of any drugs
9 or alcohol?

10 A. No. Where would I get them from?

11 ATTORNEY DORIAN:

12 March 13, 1944; is that your date of
13 birth, Mr. Washington?

14 A. Say that again?

15 ATTORNEY DORIAN:

16 Is your birth date March 13, 1944?

17 A. Yeah. But I don't --- everybody to know. Yeah.

18 ATTORNEY DORIAN:

19 Are you married or single?

20 A. I've never been married before in my life.

21 ATTORNEY DORIAN:

22 Children? You have any children?

23 A. I got more than one child.

24 ATTORNEY DORIAN:

25 How far did you go in school, Mr.

1 Washington?

2 A. Listen, I'm not going to answer anything until
3 you start reading that stuff I sent you.

4 ATTORNEY DORIAN:

5 What's this document supposed to say,
6 Mr. Washington?

7 A. Do you have it already?

8 ATTORNEY DORIAN:

9 No. I'm waiting for it. What's it say?

10 A. Well, I'm going to let you read it. I'm not
11 going to say anything unless you ---.

12 ATTORNEY DORIAN:

13 All right. Well, if I'm here to ask you
14 questions and I want to ask you --- I have a bunch of
15 questions I want to ask you about your lawsuit. So
16 I'll read that paperwork, but I'm going to have
17 questions for you; is that understood?

18 A. I think you're not understanding what I'm saying.
19 I'm not going to give you any answers until you read
20 that paper.

21 ATTORNEY DORIAN:

22 All right. But I'm just saying, I might
23 read it, but I'm going to ask you a series of
24 questions. Is that understood? Is that understood?
25 Can you hear me, Mr. Washington? Did you hear me?

1 MS. BRUMAGE:

2 Mr. Washington, can you hear Mr. Dorian?

3 A. And I answered you and told him what the story
4 was and he want to keep on going.

5 ATTORNEY DORIAN:

6 No. I'm saying that I'll read your
7 paperwork, but I have a bunch of questions for you
8 about your lawsuit. Is that understood? May the
9 record reflect Mr. Washington is not responding to my
10 questions. Deb, are you there?

11 MS. BRUMAGE:

12 Yes, I am.

13 ATTORNEY DORIAN:

14 Did the fax go through?

15 MS. BRUMAGE:

16 I sent it through. Let me check for
17 confirmation.

18 ATTORNEY DORIAN:

19 Thank you.

20 MS. BRUMAGE:

21 The confirmation hasn't come out yet.
22 When it does, they'll bring it over.

23 ATTORNEY DORIAN:

24 How many pages is it?

25 MS. BRUMAGE:

1 Ten pages total, counting my cover page.

2 ATTORNEY DORIAN:

3 While we're waiting for that, I'm going
4 to ask you --- continue with my questions. How far
5 did you go in school, Mr. Washington? Mr. Washington?
6 Can you hear me, Mr. Washington? Are you refusing to
7 answer my questions? I'll go check the fax machine.
8 I'll be right back.

9 SHORT BREAK TAKEN

10 MS. BRUMAGE:

11 Okay. They didn't go through.

12 ATTORNEY DORIAN:

13 What number did you use?

14 MS. BRUMAGE:

15 The one that you gave me; 717 ---.

16 ATTORNEY DORIAN:

17 Debbie, can you read ---?

18 MS. BRUMAGE:

19 Wait a minute. 717-728-0317.

20 ATTORNEY DORIAN:

21 0312.

22 MS. BRUMAGE:

23 Okay. We'll try it again.

24 ATTORNEY DORIAN:

25 What's this paper say, Mr. Washington?

1 Mr. Washington, can you hear me? If you can hear me,
2 can you nod your head up and down?

3 SHORT BREAK TAKEN

4 ATTORNEY DORIAN:

5 All right. Mr. Washington, I have your
6 paper. How far did you go in school? Mr. Washington,
7 are you going to answer my questions? Can anyone in
8 that room hear me?

9 MS. BRUMAGE:

10 Yes.

11 OFFICER ORIBOND:

12 You're coming through loud on our end.

13 ATTORNEY DORIAN:

14 Can you identify yourself?

15 OFFICER ORIBOND:

16 I'm Officer Oribond.

17 ATTORNEY DORIAN:

18 And Deb, could you identify yourself?

19 MS. BRUMAGE:

20 I'm Deb Brumage; administrative officer.

21 ATTORNEY DORIAN:

22 All right. Deb, and can you hear my
23 voice?

24 MS. BRUMAGE:

25 Yes, I can.

1 OFFICER ORIBOND:

2 Yes, I can, sir.

3 ATTORNEY DORIAN:

4 Mr. Washington, I'll ask you again, how
5 far did you get in school? Mr. Washington, are you
6 aware that I can seek a motion for sanctions for your
7 failure to cooperate in this deposition? Mr.
8 Washington, you understand I can ask for sanctions up
9 to and including dismissal of you lawsuit? Do you
10 continue to refuse to answer my questions, despite
11 knowing that I can file a motion for sanctions and
12 seek to dismiss your lawsuit? Let the record reflect
13 that Mr. Washington is not responding whatsoever to
14 any of my questions. Can you verify that, Deb
15 Brumage?

16 MS. BRUMAGE:

17 Yes, I can.

18 ATTORNEY DORIAN:

19 All right.

20 MS. BRUMAGE:

21 I also have another officer in the room
22 here. He may want to ---.

23 OFFICER ORBATCH:

24 Orbatch.

25 ATTORNEY DORIAN:

1 All right. We're going to end this
2 deposition because of Mr. Washington's non-cooperation
3 and I'll be filing an appropriate motion with the
4 court.

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6 * * * * *

7 DEPOSITION CONCLUDED AT 10:36 A.M.

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1 COMMONWEALTH OF PENNSYLVANIA)
 2 COUNTY OF ALLEGHENY)
 3

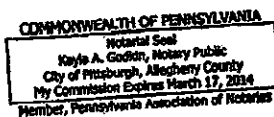
4 CERTIFICATE

5 I, Kayla A. Godkin, a Notary Public in and
 6 for the Commonwealth of Pennsylvania, do hereby
 7 certify:

8 That the witness whose testimony appears in
 9 the foregoing deposition, was duly sworn by me on said
 10 date and that the transcribed deposition of said
 11 witness is a true record of the testimony given by
 12 said witness;

13 That the proceeding is herein recorded fully
 14 and accurately;

15 That I am neither attorney nor counsel for,
 16 nor related to any of the parties to the action in
 17 which these depositions were taken, and further that I
 18 am not a relative of any attorney or counsel employed
 19 by the parties hereto, or financially interested in
 20 this action.



Kayla Godkin

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FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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	:	Civil Action No. 4:CV-08-1283
Plaintiff,	:	
	:	(Judge Jones)
v.	:	
	:	(Magistrate Judge Carlson)
JAMES L. GRACE, et al.,	:	
	:	Filed Via Electronic Case Filing
Defendants	:	

CERTIFICATE OF SERVICE

I hereby certify that I am this day depositing in the U.S. mail a true and correct copy of the Appendix to Defendants' Motion for Sanctions against Plaintiff in the above-referenced matter.

Service by first-class mail
addressed as follows:

Henry Washington, AM-3086
SCI-Greene
175 Progress Drive
Waynesburg, PA 15370-8090

s/ Rose A. White
Rose A. White
Clerk Typist II
Pennsylvania Department of Corrections
1920 Technology Parkway
Mechanicsburg, PA 17050
(717) 728-7763

Dated: February 13, 2013